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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,575	08/21/2003	Winnic C. Wu	MSFT-2733/305587.01	9794
41505	7590	06/23/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			ABEL JALIL, NEVEEN	
ONE LIBERTY PLACE - 46TH FLOOR			ART UNIT	
PHILADELPHIA, PA 19103			PAPER NUMBER	

2165

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,575	Applicant(s) WU ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/06, 3/30/06, 4/18/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. The Request for Reconsideration filed on March 30, 2006 has been received and entered.
Claims 1-16 are pending.

Claim Objections

2. Claims 9, 11, 14, and 16 are objected to because of the following informalities:
3. Claims 9, and 14, recite “maybe” is passive and should be changed to recite something more firm and definite i.e. “is” or “that” to carry patentable weight.
4. Claims 11, and 16, both recite “for queries” which is intended use and does not cause any functionality to occur. Limitations following the phrase “*for*” do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Claims should be amended to recite more direct and firm language i.e. “of” or “is” or “that”.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Since the claim does not distinct the preamble from the body of the claims.

Examiner is unclear on what is the claimed invention.

7. Claims 11, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11, and 16, recite the limitation "the context" in lines 2, and 3, respectively. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, preamble recite "**for** storing, organizing, sharing, and searching data...a relationship is a link between at least two items" is intended use and does not cause any functionality to occur in the computer since it lacks combination with hardware to realize the functionality. The limitations following the phrase "**for**" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "**for**" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Applicant is required to amend the claims so that the claim limitations are recited in a definite form.

If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the

invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) ("where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation").

There appears to be no nexus between the intended use of the preamble and the body of the claim in order to realize the functionality intended. The "t organizing, sharing, and searching data...a relationship is a link between at least two items" appear to be missing of the body of the claim. They never have to happen and are thus not given patentable weight.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 6-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Pub. No. 2002/0143521 A1) in view of Vincent, III (U.S. Pub. No. 2004/0268240 A1), and further in view of Lotter et al. (U.S. Pub. No. 2002/0184163 A1).

As to claims 1, 8, and 13, Call discloses a storage platform comprising:

a data store in which data stored therein is defined in terms of items, elements, and relationships, wherein an item is a unit of data storable in the data store and comprises one or more elements, an element is an instance of a type comprising one or more fields (See Call page 5, paragraph 0065, also see Call page 11, paragraphs 0115-0117, also see Call page 18, paragraph 0275), and

a relationship is a link between at least two items (See Call page 26, column 1, lines 29-37);

a set of schemas that define different types of items, elements, and relationships (See Call page 11, paragraphs 0115-0117); and

an application programming interface comprising a class for each of the different items, elements, and relationships defined in the set of schemas (See Call page 25, paragraphs 0376-0375, also see Call page 5, paragraph 0070).

Call does not teach a customizable subset of schemas that extend the set of schemas and are dependent on the set of schemas.

Vincent, III teaches a customizable subset of schemas that extend the set of schemas and are dependent on the set of schemas (See Vincent, III page 7, paragraphs 0100-0112, and see Vincent, III page 8, paragraph 0115).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Call by the teaching of Vincent, III to include a customizable subset of schemas that extend the set of schemas and are dependent on the set of schemas because it allows for large scale schema management and consistency (See Vincent, III page 1, paragraphs 0003-0004).

Call as modified still does not teach a synchronization service that synchronizes the storage platform with another storage platform and synchronize the data store with data sources that implement proprietary protocols.

Lotter et al. teaches a synchronization service that synchronizes the storage platform with another storage platform and synchronize the data store with data sources that implement proprietary protocols (See Lotter et al. Figure 24, and see Lotter et al. page 6, paragraph 0069, lines 9-16, also see Lotter et al. page 7, paragraph 0071, lines 17-22, wherein any internal company communication protocol is deemed to be proprietary).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Call as modified by the teaching of Lotter et al. to include a synchronization service that synchronizes the storage platform with another storage platform and synchronize the data store with data sources that implement proprietary protocols because it allows for access standardization across shared data platform (See Lotter et al. al. page 6, paragraph 0068).

As to claims 2, 9, and 14, Call as modified discloses wherein data may also be stored in the data store in the form of an extension to an existing item type, and wherein the application programming interface comprises a class for each different item extension (See Call page 26, column 2, lines 1-17).

As to claim 3, Call as modified discloses wherein the class for each type of item, element, and relationship is generated automatically based on the set of schemas that define each type of

item, element, and relationship (See Call page 25, paragraph 0374, also see Call pages 11-12, paragraph 0125).

As to claims 6, and 12, Call as modified discloses comprising a database engine on which the data store is implemented, and wherein the different types of items, elements, and relationships in the data store are implemented in the database engine as user-defined types (UDT) (See Call pages 11-12, paragraphs 0125-0128).

As to claim 7, Call as modified discloses wherein the application programming interface provides a query model that enables application programmers to form queries based on various properties of the items in the data store, in a manner that insulates the application programmer from the details of the query language of the database engine (See Call page 11, paragraphs 0120-0124, also see Call page 5, paragraphs 0070-0071).

11. Claims 4-5, 10-11, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Pub. No. 2002/0143521 A1) in view of Vincent, III (U.S. Pub. No. 2004/0268240 A1), and further in view of Lotter et al. (U.S. Pub. No. 2002/0184163 A1) as applied to claims 1-3, 6-9, and 12-14 above, and further in view of Freyssinet et al. (U.S. Patent No. 6,477,564 B1).

As to claims 4, 10, and 15, Call as modified still does not teach wherein the classes for each type of item, element, and relationship define a set of data classes, and wherein the

application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes.

Freyssinet et al. teaches wherein the classes for each type of item, element, and relationship define a set of data classes, and wherein the application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes (See Freyssinet et al. column 6, lines 31-46, also see Freyssinet et al. column 5, lines 28-53).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Call as modified by the teaching of Freyssinet et al. to include the classes for each type of item, element, and relationship define a set of data classes, and wherein the application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes because it allows for ease of data integration and assists in decision making process (See Freyssinet et al. column 1, lines 23-40).

As to claims 5, 11, and 16, Call as modified discloses wherein the second set of classes comprise a first class that represents a storage platform scope and that provides the context for queries on the data store and a second class the represents the results of a query on the data store (See Call page 21, paragraphs 0321-0322, also see Freyssinet et al. column 5, lines 20-50).

Response to Arguments

12. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

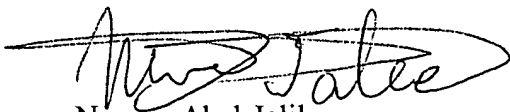
Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for list of Cited References.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Neveen Abel-Jalil
June 21, 2006